

## Official Proceedings

July 3<sup>rd</sup>, 2012  
8:00 am

Chairman Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

Chairman Zander asked for any additions to the agenda. Comm. Elkin added Vision West and Fireworks Ban. Comm. Hoff added Zoning and Auditor Kay Haag added County Permit Agreement and Deeds. Comm. Hoff moved to approve the agenda with the additions. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to approve the minutes from the June 5<sup>th</sup>, 2012 meeting. Comm. Wolf seconded. All voted Aye and the motion carried.

Comm. Wolf moved to accept the accounts payable as presented plus the supplement. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

**General:** Payroll: \$170,870.60; James Hope: \$276.00; West Payment Center: \$598.28; Dakota Water Treatment: \$32.75; Dickinson Press: \$463.50; SBM Inc: \$1,230.61; Tiffany Conrad: \$137.67; King Speed Printing: \$449.00; Walmart: \$396.35; Xerox Corporation: \$606.28; NDAAO: \$360.00; Central Mechanical: \$355.00; Maintenance Management: \$400.00; Schwartz Contracting: \$422.00; MDU: \$2,282.03; Roughrider Electric: \$150.00; SW Water Authority: \$54.93; Border States Electric: \$19.61; City of Dickinson: \$11,531.73; John Gaffaney Greenhouse: \$31.23; Newby's Ace Hardware: \$151.45; Nitro-Green: \$275.00; Steffan's Saw & Bike: \$23.96; Braun Distributing: \$357.94; One Stop Rental: \$120.00; ND Newspaper Association: \$175.00; NDPers: \$1,120.14; Maus & Nordsven: \$687.00; Melbye Law Office: \$131.25; Farmers Union Oil of Bis/Man: \$3,442.74; Wright Express: \$2,682.60; Electric Sales & Service: \$83.07; AT&T Mobility: \$1,283.60; Century Link: \$487.00; Consolidated: \$644.17; Big Sky Supply: \$36.34; Farm & Home Publishers: \$45.00; Great Plains Directory: \$83.75; Office Max Inc: \$575.32; Pitney Bowes Inc: \$774.90; Tom Henning: \$33.69; Burleigh Co Sheriff's Dept: \$63.00; Vogel Law Firm: \$14,222.89; Dickinson Parks & Rec: \$54.08; Chuck Rummel: \$247.00; DJ's Tesoro: \$51.86; T-Rex Conoco Inc: \$630.92; Ipromoteu: \$480.29; Myron Corp: \$205.03; Snipercraft Inc: \$595.00; Great Plains Clinic: \$235.00; Visa: \$136.30; Renee Barndt: \$39.26; Advanced Business Methods: \$183.08; Superior Cleaners: \$42.00; Dickinson Tire: \$892.13; Electronic Communications: \$2,842.00; Midas Auto Service: \$932.78; Sax Motor Co: \$580.58; Sure Sign: \$380.00; Cenex Fleetcard: \$1,153.81; Farmers Union of Richardton: \$336.46; ND Dept of Transportation: \$24.50; Custom Cage Inc: \$180.00; Mark Meyer: \$1,500.00; Copquest Inc: \$478.80; Dickinson Ambulance Service: \$86.50; Kustom Signals Inc: \$422.25; LEC Maintenance: \$10,055.35; Stark County Auditor (Federal Deposit): \$514.06; Roosevelt-Custer Regional Council: \$1,141.50;

**10 Mill:** ND Dept of Transportation: \$70.31;

**County Road:** Kadrmas, Lee & Jackson: \$38,643.94; Jurgens Trucking: \$9,717.50; Northern Improvement Inc: \$31,600.24; Onsite Improvement: \$6,312.50; Edward Schwartz Construction: \$2,771.00; Sure Sign: \$380.00; Century Link: \$56.73; City of Belfield: \$22.25; City of Dickinson: \$111.71; City of Richardton: \$54.90; Consolidated: \$44.26; MDU: \$258.57; Roughrider Electric: \$740.00; SW Water Authority: \$47.61; AT&T Mobility: \$145.57; Mac's Inc: \$28.99; Runnings Supply: \$144.94; George's Tire: \$372.00; J & J Operating: \$24.32; JP Steel & Supply: \$238.84; Ray's Auto Electric: \$399.08; RDO Equipment Co: \$3.62; Westlie Crossroads: \$748.83; Butler Machinery: \$4,164.86; NW Tire Inc: \$318.84; CRA Payment Center: \$554.49; Schaeffer Mfg Co: \$883.20; SW Grain: \$42,840.16; West Dakota Oil: \$100.46; Bosch Lumber Co: \$12.36; Carquest Auto Parts: \$5.78; Dakota Farm Equipment: \$148.93; General Steel: \$418.82; Miller Machine & Welding: \$210.97; Prairie Auto Parts: \$11.84; Praxair: \$17.50; Rummel Auto Wrecking: \$120.16; EscoSupply: \$2,687.60; Fisher Sand & Gravel: \$216,703.75; 3D Specialties: \$2,428.79; Lyle Signs Inc: \$1,444.93; Coca-Cola Bottling: \$30.00; Maintenance Management: \$160.00;

**Highway Tax Distribution:** Payroll: \$89,274.58; NDPers: \$12,549.40;

**Social Welfare:** Payroll: \$155,539.09; Wrap Around: \$634.00; NDPers: \$20,647.56; ND Dept of Human Services: \$4,043.93; Diane Mortenson: \$25.08; Jeri Weiss: \$109.80; Social Service: \$11,180.58; Gina Wariner: \$36.00; AT&T Mobility: \$67.62;

**County Poor:** ND Dept of Human Services: \$28,004.84;

**IT – Computer/Updates:** NDACO Resources: \$7,965.27; Consolidated: \$4,022.90; Information Technology Dept: \$1,281.80; Official Payment Center: \$450.00; Berger Electric: \$110.00;

**Capital Improvement:** Kadrmas, Lee & Jackson: \$235.00; Viking Glass of ND: \$138,150.00;

**County Park:** Bismarck-Mandan Development Association: \$232.43; Runnings Supply: \$84.19;

**Fair Board:** Stark County Fair Board: \$1,991.74;

**County Jail:** SWMCCC: \$79,383.29;

**Insurance:** American Insurance Center: \$482.00; ND Insurance Department: \$4,964.95;

**Comp Health Care:** NDPers: \$22,289.76; Blue Cross Blue Shield: \$158.90;

**VSO Fund:** Payroll: \$6,903.93;

**Social Security:** Stark County Auditor (Federal Deposit): \$31,585.24;

**County Agent:** Payroll: \$3,863.72; Kurt Froelich: \$438.09; Samantha Roth: \$652.59; Consolidated: \$160.12; SBM Inc: \$51.22; Deb Theurer: \$100.00;

**Weed Control:** Payroll: \$22,828.21; NDPers: \$1,282.72; Walmart: \$44.76; Stark-Billings Extension: \$25.00; Crop Production: \$1,132.20; Bosch Lumber Company: \$40.94; Mac's Inc: \$22.87; Runnings Supply: \$269.44; I-Deal Trailers: \$4,500.00; Prairie Auto Parts: \$3.81; Stark County Auditor (Federal Deposit): \$208.72;

**9-1-1:** Payroll: \$3,910.93; NDPers: \$894.98; Stark County Auditor (Federal Deposit): \$275.20; City of Dickinson: \$9,980.83; Century Link: \$1,632.63; CTS Language Link: \$8.85; Consolidated: \$567.00; Reservation Telephone: \$80.00; NDACO: \$11,330.75;

**Adult Education:** NDSU Extension Pesticide Program: \$14.00; Ag Communication: \$25.00;

**Fingerprint Station:** FedEx: \$32.40;

**Domestic Violence:** State Treasurer: \$1,050.00;

**Juvenile Alcohol Grant:** Payroll: \$775.56;

**Traf Safety Grant:** Payroll: \$1,370.40; Farmers Union Oil of Bis/Man: \$164.42;

**Cops Grant 2011:** Payroll: \$3,785.47; Stark County Auditor (Federal Deposit): \$289.59; NDPers: \$342.40;

**Cops Grant 2009:** Payroll: \$3,596.20; Stark County Auditor (Federal Deposit): \$266.17; NDPers: \$342.40;

**Misc Grants:** Dive Rescue International Inc: \$2,312.85; Dummies Unlimited: 1,535.31; Electronic Communications: \$5,040.00; Kustom Signals: \$1,266.75; SBM Inc: \$298.99; Scuba One: \$1,250.00; NDACO Resources: \$126.00; Walmart: \$2,902.48;

**ND Game & Fish:** ND Game & Fish Department: \$111,568.00;

**Security/Transfer DJS Reimb:** Farmers Union Oil of Bis/Man: \$150.22;

**SW Victim Witness Program:** Payroll: \$4,476.22; NDPers: \$342.12; Comfort Inn: \$69.00; SBM Inc: \$239.03; Consolidated: \$42.79; Stark County Auditor (Federal Deposit): \$327.03; AT&T Mobility: \$103.55;

**DVRCC:** Domestic Violence: \$863.50;

**Preservation Fund:** Consolidated: \$59.95;

**State Reimbursement:** Tom Grosz: \$25.00;

**Siren Contingency:** Roughrider Electric: \$190.00;

**Other Reimbursements:** Inventory Trading Company: \$746.00; Consolidated: \$182.00; Pharmchem Inc: \$231.00; Office of Attorney General: \$1,485.00;

**911 Equipment:** Electronic Communications: \$15,070.00; Consolidated: \$55.58;

Sheriff Clarence Tuhy gave an update on the task force, court room security and monthly transports.

Comm. Hoff moved to approve the Stark County Oversize and Overweight Policy and Regulatory System. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Wolf moved to authorize Chairman Zander to sign the County Permit Agreement between the participating counties and the Association of Oil and Gas Producing Counties. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Wolf moved to accept the revision of the 207 K Exemption for the Sheriff's office, to reflect the following:

**A. 207 K Exemption Plan – Sheriff's Office (revised by Sheriff Tuhy June 2012)**

1. All personnel in the Sheriff's Department, consistent with the provision of the Fair Labor Standards Act, shall work under the 207K Exemption Plan. The normal twenty-eight (28) day work period consists of 171 hours for non-exempt, shift employees. This work period for the County Sheriff's Department began on January 1<sup>st</sup>, 2012 for all Patrol Staff. **As of June 18<sup>th</sup>, 2012 the Sheriff's Office will follow the 207K Exception Plan, but only work 160 hours in the twenty-eight (28) day work period, before paid overtime.**
2. All hours worked by non-exempt employees in excess of 40 hours per week, or 160 hours in a work period, shall be specifically authorized in advance by the Department Head or Department Supervisor except in situations deemed unforeseeable, necessary or as an emergency as determined by the Department Head.

Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve the final plat of Richard Subdivision located in the SE4 Section 29, Township 139, Range 99 to be rezoned from Agricultural to Industrial. Comm. Elkin moved to accept the Zoning Boards recommendation to approve the final plat of Richard Subdivision. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve WBI Energy, Inc.'s request for a zoning change from Agricultural to Industrial with a conditional use permit for the processing and refining of hydrocarbons derived from crude oil and its associated natural gases and related uses. The location being two tracts of land lying in the N2 and N2N2SW4 Section 15, Township 139, Range 97, containing approximately 274 acres. Comm. Hoff moved to accept the Zoning Boards recommendation to approve the zoning change from Agricultural to Industrial with the following conditions:

1. Meet with Road Superintendent and draft a road agreement
2. Have the Stark County State's Attorney review all permits
3. Provide dust control on all roads used in project.
4. Provide a monthly status report to Auditor Kay Haag

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Al Heiser, Road Superintendent, gave an update on roads.

Emil Wieglanda, Historical Society, requested funding for the 2013 budget year. The Commissioners will consider the request during the upcoming budget year.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineers report on various projects.

Comm. Elkin presented a recommendation from the Zoning Board to approve Knife River Corporations request for a Conditional Use Permit for the construction and operation of a ready-mix concrete batch plant. The location being 5 acres of land in the SW4 Section 31, Township 140, Range 94. Comm. Elkin moved to accept the Zoning Board recommendation to approve the Conditional Use Permit for five (5) years. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve the final plat of Copperleaf Subdivision located in the SE4 Section 35 and the SW4 Section 36, Township 140, Range 95. Comm. Elkin moved to accept the Zoning Boards recommendation to approve the final plat of Copperleaf Subdivision. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve Environmental Solutions LLC request for zoning change from Agricultural to Industrial with a conditional use permit for the construction and operation of a special waste landfill. The location being in the N2NE4 Section 16, Township 138, Range 99 containing 80 acres. Comm. Elkin moved to accept the Zoning Boards recommendation to approve the zoning change from Agricultural to Industrial with a conditional use permit for the construction and operation of a special waste facility with the following conditions:

1. If the project is not complete in one (1) year time, the land will revert back to Agricultural.
2. Environmental Solutions LLC will sign a road agreement with County Commission, Road Superintendent and County Engineer.

3. Environmental Solutions, LLC will do dust control as needed under supervision of the Road Superintendent.
4. Any additional signage will be paid by Environmental Solutions, LLC.
5. Environmental Solutions, LLC is to obtain all the required permits and approvals from the State Agencies, which will be reviews and approved by the Stark County State's Attorney.
6. If the location (N2NE4 of Section 16, Township 138, Range 99 containing 80 acres) is not being used for the sole purpose of the Solid Waste Facility operated by Environmental Solutions LLC, it will revert back to the original zoning of Agricultural.

Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Sister Phoebe Schwartz and members of the Old Red/Old Ten Scenic Byway Committee thanked the Commission for their support of the 2011 projects which included talking trails, new signs and other activities.

Bill Fahlsing, Director of Emergency Services, gave the 9-1-1 update. Bill Fahlsing also discussed that Dunn County will be transitioning to State Radio for their dispatching needs and will also be hiring their own 9-1-1 coordinator.

Bill Fahlsing, Director of Emergency Services, discussed that the State will now be taking 15% of all 9-1-1 fees to help fund the implementation of the Next Generation 9-1-1, a project that will help bring Dispatch Centers into the 21<sup>st</sup> Century.

Comm. Wolf moved to authorize Chairman Zander to sign a Joint Powers Agreement between Stark County and the ND Association of Counties for the Next Generation 9-1-1 implementation. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Jeff Seward's request for a conditional use permit for 14 RV's for workers. The location being in the NW4 Section 33, Township 137, Range 99. Comm. Hoff moved to accept the Zoning Boards recommendation to approve the Conditional Use Permit for Jeff Seward with the following conditions:

1. Units to be placed 20' apart.
2. Provide adequate parking for any and all crew housing facility residents.
3. Provide for adequate fire suppression.
4. Provide for adequate access to emergency vehicles and each unit marked with reflective type numbers.
5. Meet all design standards required by any building code and fire code.
6. Comply with waste water rules with Southwest District Health.
7. Any fees on these conditions will be paid by the applicants.
8. There will be a \$400 fee per unit per year.

Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Kuntz moved to authorize Chairman Zander to sign five Oil Lease Contracts with Empire Oil Company, each in the amount of \$500.00. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Elkin moved to accept and approve the Auditor's report of the pledge of assets and depositories as presented.

<b><u>BANK</u></b>	<b><u>DEPOSITS</u></b>	<b><u>PLEDGE REQUIRED</u></b>
American Bank Center	\$14,436,253.70	\$15,604,879.07
Dacotah Bank	\$0.00	\$0.00
Dakota Community Bank	\$8,895,867.58	\$9,510,454.34
Bremer Bank	\$500,000.00	\$275,000.00
Bank of the West	\$0.00	\$0.00
Western Coop Credit Union	\$0.00	\$0.00

Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Wolf moved to authorize Chairman Zander to sign two deeds between Stark County and David B Dusdal and Beverly A Dusdal, regarding the swap of land with the Belfield County Shop, containing approximately 625 feet. Comm. Elkin seconded. All voted Aye and the motion carried.

Chris Fehr, Best Friends Mentoring Program, thanked the Commission for the 2012 funding and requested funding for 2013.

Stark County Commission meeting adjourned at 10:05 am for a Park Board Meeting.

Stark County Commission meeting reconvened at 11:03 am

Comm. Wolf moved to authorize a payment of \$39,001.75 to NDPERS for retirement on longevity pay. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin moved to authorize Shawn Kessel as a proxy as a representative for Stark County at the Vision West consortium meetings. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin discussed having the public made aware of the danger of lighting off fireworks during the dry time.

Comm. Hoff presented a recommendation from the Zoning Board to deny Scott Cymbaluk's request for a conditional use permit for a shop and truck parking facility. The location being in the NW4 Section 15, Township 140, Range 99, approximately 16.1 acres. Comm. Hoff moved to accept the Zoning Board recommendation to deny the Conditional Use Permit for Scott Cymbaluk. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Big Sky Well Services request for zoning change from Agricultural to Industrial. The location being in the SW4SW4 Section 16, Township 140, Range 99, containing approximately 11 acres. Comm. Hoff moved to accept the Zoning Boards recommendation to approve the zoning change of Agricultural to Industrial. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve Borsheim Builders Supply Inc.'s request for zoning change from Agricultural to Industrial. The location being a tract of land in the SW4SW4 Section 16, Township 140, Range 99, containing approximately 5 acres. Comm. Elkin moved to accept the Zoning Boards recommendation to approve the zoning change of Agricultural to Industrial. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to deny Richard Dahm's request for zoning change from Agricultural to Residential for the plat of Duck creek Estates. The location being in the SE4 Section 2, Township 139, Range 97, containing approximately 218 acres. Comm. Hoff moved to accept the Zoning Boards recommendation to deny the zoning change of Agricultural to Residential. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve AES Drilling's request for conditional use permit to allow two (2) mobile homes for offices. The location being Lot 7 Norwegian Creek Sub-Division, SW4 and E2 Section 16, Township 139, Range 99. Comm. Elkin moved to accept the Zoning Boards recommendation to approve the conditional use permit for AES Drilling. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to deny MBC Properties request for zoning change from Agricultural to Industrial for the plat of Bang Industrial Park. The location being in the NW4 Section 36, Township 140, Range 98, containing approximately 157.49 acres. Comm. Hoff moved to accept the Zoning Boards recommendation to deny the zoning change of Agricultural to Industrial. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to deny Nunez Development's request for zoning change from Agricultural to Residential Low Density for the plat of Meadow View Estates. The location being in the W2NW4 Section 25, Township 139, Range 96, containing approximately 79.78 acres. Comm. Hoff moved to accept the Zoning Boards recommendation to deny the zoning change of Agricultural to Residential Low Density. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

The following **Miscellaneous Receipts** were filed: General: \$211,875.68; 10 Mill: \$28,974.93; County Road: \$210,629.57; Highway Tax Distribution: \$249,807.56; Special

Road & Bridge: \$8,705.28; Social Services: \$136,310.28; County Poor: \$121,233.81; IT-Computer/Updates: \$484.24; Capital Improvement: \$66,893.04; County Park: \$1,015,407.51; County Jail: \$22,104.58; Insurance: \$8,705.28; Comp Health: \$12,076.44; Emergency: \$2,901.76; VSO Fund: \$3,840.56; Social Security: \$31,748.58; Advertising: \$1,493.55; County Agent: \$6,742.32; Weed Control: \$7,996.00; 911 Revenue: \$37,821.78; Adult Education: \$875.00; Fingerprint Station: \$240.00; Domestic Violence: \$1,015.00; Traf Safety Grant: \$6,165.33; Cops Grant 2009: \$15,389.11; Misc. Grants: \$39,577.41; Estimate Tax: \$7,731.42; Game and Fish: \$56,014.00; SW Victim Witness Program: \$11,218.56; Domestic Violence & Rape Crisis Center: \$863.50; Preservation Fund: \$17,506.00; State Reimbursements: \$25.00; Other Reimbursements: \$1,968.00; 911 Equipment: \$12,605.77;

Comm. Wolf moved to adjourn. Comm. Kuntz seconded.

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Kay Haag, Auditor

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Ken Zander, Chairman